

Policy Consideration Examples for Outdoor and Indoor Personal Cannabis Cultivation

Topic	Description	Outdoor	Indoor	Legal Limitations	Examples	Current Napa County Ordinance - 8.10
Separate personal and medical rules	Different sets of rules for cultivation for medical vs. personal adult use	Y	Y		SOLANO COUNTY (Proposed) - Medical cultivation limited to 100 square feet and age 18+; personal adult use limited to 6 plants and age 21+. SANTA CLARA COUNTY - Only medical allowed to be cultivated outdoors; personal use is indoor only.	Applies to medical cultivation only. 8.10.050(B) - "Only a qualified patient or primary caregiver may engage in indoor cultivation [...]."
Number of Plants	Limiting the total number of plants or size of cultivation area	Y	Y	Must allow 6 plants indoors at residence	CITY OF PETALUMA - "Outdoor cultivation [...] does not exceed three mature plants" CITY OF CALISTOGA - "Outdoor cultivation of up to two plants is allowed per qualified parcel." SHASTA COUNTY - "Cultivation of more than twelve marijuana plants on any premises is prohibited."	Limits by plant canopy, not number of plants. 8.10.050(C)(3) - "Indoor cultivation shall not exceed 25 contiguous square feet [...]."
Location Limitations	Limitations on where within a parcel the cultivation can occur	Y	Y		CITY OF CALISTOGA - Outdoor cultivation only permitted in specific zones. SONOMA COUNTY - "Outdoor cannabis cultivation is prohibited on parcels with multi-family units or in the medium and high density residential zones (R2 and R3)." SHASTA COUNTY - "Cultivation within a residence or any other structure used or intended for human occupancy is prohibited. [...] Outdoor cultivation on any premises is prohibited. [...] Cultivation may only occur on a premises within a detached residential accessory structure affixed to the real property [that meets specific conditions]." CITY OF PETALUMA - Indoor cultivation cannot "exceed fifty percent or one hundred square feet of the nonliving or garage area of the residence." SANTA CLARA COUNTY - Outdoor: "Cultivation is prohibited [...] In the front yard of any parcel"; Indoor: "Cultivation shall be limited to a single space in a single room. The single space in the single room shall be no larger than 50 square feet. All cannabis plants cultivated indoors shall be arranged in a single layer. This limit shall apply notwithstanding the number of qualified patients, primary caregivers, and/or personal use cultivators residing at the residence."	Includes numerous limitations: 8.10.040 - Outdoor prohibited 8.10.050(C)(1) and (2) - Only in single-family homes 8.10.050(C)(4) - One contiguous area; in either main residence or accessory structure but not both
Setback from Sensitive Uses	Setbacks from other uses, such as schools and parks	Y		Must allow 6 plants indoors at residence	CITY OF CALISTOGA - "Outdoor cultivation is prohibited on a parcel that is within 300 feet of a school, religious facility, park, child care facility, recreation center or youth-oriented facility." YOLO COUNTY - "The cultivation of marijuana, in any amount or quantity, shall not be allowed in the following areas: [...] Outdoors within 1,000 feet of a youth-oriented facility, a school, a school-bus stop, a park, a church or [tribal lands]."	None

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Setback from Parcel Line	Setbacks from property lines	Y		Must allow 6 plants indoors at residence	SOLANO COUNTY (Proposed) - "Outdoor personal cannabis cultivation [...] and any cannabis canopy area must be at least 10 feet from any property line [...]." MONTEREY COUNTY - "[Outdoor] personal medical cannabis cultivation shall [...] maintain the following minimum setbacks from property lines: 1) Front: [50 feet, unless in backyard]; 2) Side: [30 feet]; and 3) Rear: [30 feet]." MENDOCINO COUNTY - "The cultivation of medical cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed [...] Outdoors or using mixed light within fifty (50) feet from any adjoining legal parcel under separate ownership or access easement (whichever is most restrictive)." SANTA CLARA COUNTY - For parcels 10,000 sq.ft. or larger: 25 feet from any property line; for parcels smaller than 10,000 sq.ft.: 25 feet or 30 percent of average lot width from property line, whichever is smaller	8.10.050(C)(5) - Accessory structures used for cultivation require 10-foot setback from property lines
Setback from Buildings	Setbacks from occupied buildings on separate parcels	Y		Must allow 6 plants indoors at residence	YOLO COUNTY - "The cultivation of marijuana, in any amount or quantity, shall not be allowed in the following areas: [...] Outdoors within 75 feet of any occupied legal residential structure located on a separate parcel." MENDOCINO COUNTY - "The cultivation of medical cannabis in Mendocino County, in any amount or quantity by any entity, shall not be allowed [...] Outdoors or using mixed light within [100 feet] of any occupied legal residential structure located on a separate legal structure [...]."	None
Size Limitations	Limitations on plant or cultivation size or height	Y	Y	Must allow 6 plants indoors at residence	MONTEREY COUNTY - "The personal medical cannabis cultivation [...] shall not exceed ten (10) feet in height." SANTA CLARA COUNTY - "[Outdoor] cultivation [...] shall not exceed the height of the fence."	Limits by plant canopy, not number of plants. 8.10.050(C)(3) - "Indoor cultivation shall not exceed 25 contiguous square feet [...]."

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Residency requirement	Restrictions on who may cultivate at a specific parcel	Y	Y	Must allow 6 plants indoors at residence	SONOMA COUNTY - "Cultivation of cannabis for personal use is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring. " CITY OF CALISTOGA - "No more than six marijuana plants per dwelling unit may be planted, cultivated, harvested, dried and processed. This limit shall apply regardless of how many individuals reside at the dwelling unit." YOLO COUNTY - "The 100 square feet limitation is imposed regardless of the number of qualified patients residing on the property, participating directly or indirectly in or benefitting from the cultivation." SANTA CRUZ COUNTY - "The private residence containing the cannabis plants must be occupied by, and the cannabis plants must be cultivated by, a person 21 years of age or older." SANTA CLARA COUNTY - "This limit shall apply notwithstanding the number of qualified patients, primary caregivers, and/or personal use cultivators residing at the residence."	Can only cultivate at primary residence 8.10.050(B) - "The indoor cultivation shall be restricted to the premises containing the primary residence of the qualified patient or primary caregiver."
Fencing	Fencing requirements	Y			CITY OF CALISTOGA - "Outdoor cultivation must be enclosed by a solid fence of at least six feet in height." YOLO COUNTY - "The cultivation of marijuana, in any amount or quantity, shall not be allowed in the following areas: [...] In any location not fully enclosed by an opaque fence at least six feet in height." MENDOCINO COUNTY - "All medical cannabis grown in Mendocino County (excluding indoor growing) must be within a secure, wildlife exclusionary fence of at least six (6) feet in height [...]."	None
Visibility	Restictions on visibility	Y	Y		CITY OF CALISTOGA - "Marijuana plants may not be visible from a public right-of-way or neighboring property at ground level." YOLO COUNTY - "Evidence of cultivation shall not be visible from a public right-of-way or publicly traveled private roads." CITY OF PETALUMA - "[...] no visual or olfactory evidence of cultivation detectable from the public right-of-way or other private property [...]"	Not addressed directly, but cultivation must be in fully enclosed structure 8.10.050(C)(2) - "Marijuana cultivation is permitted only within fully enclosed and secure structures."

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Odor	Requirements for reducing odor	Y	Y		<p>CITY OF CALISTOGA - "Any structure used for marijuana cultivation must have a ventilation and filtration system that prevents odors from exiting the interior of the structure and that complies with the California Building Standards Code as adopted and amended by CMC Title 15."</p> <p>SONOMA COUNTY - "All cultivation structures shall be equipped with odor control filtration and ventilation systems adequate to prevent an odor, humidity, or mold."</p> <p>MONTEREY COUNTY - "No cannabis odors shall be detectable from off site, and the use of odor prevention devices, such as a ventilation system with a carbon filter, shall be utilized if necessary."</p>	Prohibits odors from affecting neighbors 8.10.050(C)(9) - "Any structure used for the cultivation of medical marijuana must have proper ventilation and odor control filtration to prevent mold damage and to prevent marijuana plant odors or particles from becoming a public nuisance to surrounding properties or the public. The cultivation of marijuana shall not subject residents of neighboring parcels who are of normal sensitivity to reasonably objectionable odors."
Other Sensory Nuisances	Requirements for reducing other sensory issues, such as noise, vibration, traffic	Y	Y		<p>CITY OF CALISTOGA - "Odor, vibration and/or light associated with cultivation that causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area are prohibited."</p> <p>MENDOCINO COUNTY - "The outdoor, indoor or mixed light cultivation of medical cannabis shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public. [...] lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed. [...] All activities associated with the cultivation of medical cannabis shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103."</p> <p>SHASTA COUNTY - "Marijuana cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way."</p> <p>SANTA CLARA COUNTY - "No evidence of cultivation of medicinal cannabis shall be visible or detectable from any property or public right-of-way. Evidence of cultivation of medicinal cannabis includes, but is not limited to, dust, glare, light, heat, gases, odors, smoke, or vibrations caused by any activity associated with the cultivation of medicinal cannabis."</p>	Prohibits other sensory nuisances 8.10.050(C)(10) - "Marijuana cultivation shall not adversely affect the health, safety, or general welfare of persons at the cultivation premises or at any nearby residence or nearby property or areas open to the public by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way."

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Lights	Limitations on use or power of grow lights	Y	Y		<p>CITY OF PETALUMA - For both indoor and outdoor: cannot "utilize lighting that exceeds [1,200 Watts] [...]."</p> <p>YOLO COUNTY - "The use of light assistance for the outdoor cultivation of marijuana shall not exceed a maximum of 600 watts of lighting capacity per 100 square feet of growing area."</p> <p>MENDOCINO COUNTY - "All lights used for the indoor or mixed light cultivation of medical cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. [...] All outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed."</p> <p>SANTA CLARA COUNTY - "The total wattage for all lights used for cultivation shall not exceed 1,200 watts per circuit. All lights used for cultivation shall be plugged directly into a wall outlet. [...] Any lighting used shall be designated for residential use in accordance with requirements of the California Electrical Code."</p>	General requirement for "electrical devices" to comply with codes 8.10.050(C)(7) - "Structures and electrical devices used for marijuana cultivation shall comply with the California Building, Electrical and Fire Codes as adopted by the county."
Electrical Use	Limitations on electricity or power needs for cultivation other than for grow lights	Y	Y		<p>MENDOCINO COUNTY - "The indoor or mixed-light cultivation of medical cannabis shall rely on the electrical grid or some form of alternative energy source."</p> <p>SANTA CLARA COUNTY - "All electrical systems and fuel storage involved in cultivation of medicinal cannabis shall be permitted, used, and installed pursuant to all applicable ordinances, laws, and regulations."</p> <p>SOLANO COUNTY (Proposed) - "The use of extension cords in the cultivation room are likewise prohibited."</p> <p>SHASTA COUNTY - "The maximum electrical panel for the cultivation area shall be fifty amps."</p>	General requirement for "electrical devices" to comply with codes 8.10.050(C)(7) - "Structures and electrical devices used for marijuana cultivation shall comply with the California Building, Electrical and Fire Codes as adopted by the
Generator	Limits or prohibition on use of generators	Y	Y		<p>CITY OF PETALUMA - Neither indoor nor outdoor cultivation may "require the use of an electric generator."</p> <p>SOLANO COUNTY (Proposed) - "The use of generators to power any cultivation equipment is prohibited, except as an emergency back-up system."</p> <p>SONOMA COUNTY - "The use of generators is prohibited, except as emergency back-up systems."</p> <p>MENDOCINO COUNTY - "The indoor or mixed-light cultivation of medical cannabis shall not rely on a generator as a primary source of power."</p>	Use of generators using fossil fuels is prohibited 8.10.050(C)(8) - "The use of [...] fossil fuel-powered electrical generators for marijuana cultivation is prohibited."

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Water Use	Limitations on water use or source	Y	Y		<p>YOLO COUNTY - "The cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, river, ditch or any other body or source of water."</p> <p>MENDOCINO COUNTY - "All cultivation of medical cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river. The activities associated with the cultivation of medical cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. "</p> <p>SHASTA COUNTY - "All persons and entities engaging in the cultivation of marijuana shall: a) Have a legal water source on the premises; b) Not engage in unlawful or unpermitted surface drawing of water for such cultivation; and c) Not permit illegal discharges of water from the premises."</p> <p>SANTA CLARA COUNTY - "All water used in cultivation of medicinal cannabis shall be permitted and obtained from a legal source and shall be applied in accordance with all applicable ordinances, laws, and regulations."</p>	None
Pesticide Use	Restrictions on use of pesticides	Y	Y		<p>MONTEREY COUNTY - "Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife."</p> <p>MENDOCINO COUNTY - "Any use of pesticide products shall be consistent with State law and regulations enforced by the California Department of Pesticide Regulation and the Agricultural Commissioner's Office. All agricultural use pesticides and concentrated fertilizers, amendments, and similar materials shall be stored in a locked, hard-faced enclosure to prevent unauthorized entry by humans, to exclude large animals that may be attracted by odors, and to ensure that they will not enter or be released into surface or ground waters."</p> <p>SOLANO COUNTY (Proposed) - "In the absence of regulations from the State of California providing guidance on which substances may be safely used on cannabis, only substances that are exempt from residue tolerance requirements [...] and either exempt from registration requirements [...] or registered for a use that is broad enough to include use on cannabis may be used on medical cannabis cultivated by primary caregivers."</p>	None

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Other Chemical Use	Restrictions on use of other specific chemicals and/or ozone generators	Y	Y		CITY OF CALISTOGA - "The use of ozone generators and supplemental carbon dioxide to cultivate marijuana is prohibited." MENDOCINO COUNTY - "Any fuel, fertilizer, pesticides, or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device." SOLANO COUNTY (Proposed) - "Gas products (including, but not limited to CO2, butane, propane, and natural gas) or ozone generators shall not be used in any cultivation room."	General prohibition on use of products that adversely affect others 8.10.050(C)(10) - "Marijuana cultivation shall not adversely affect the health, safety, or general welfare of persons at the cultivation premises or at any nearby residence or nearby property or areas open to the public [...] by the use or storage of hazardous materials, processes, products or wastes, or by any other way."
Fire Safety	Fire protection requirements	Y	Y		MENDOCINO COUNTY - Commercial cultivators required to "Maintain the applicable "Defensible Space" protocols and distances, as established by the California Department of Forestry and Fire Protection around structures located on the legal parcel."	General requirement to follow Fire Code 8.10.050(C)(7) - "Structures and electrical devices used for marijuana cultivation shall comply with the California Building, Electrical and Fire Codes as adopted by the county."
Waste	Limits on disposal of waste from cultivation	Y	Y		MENDOCINO COUNTY - "The activities associated with the cultivation of medical cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water." STATE WATER RESOURCES CONTROL BOARD - Has a tiered system for regulating water discharge associated with cannabis cultivation.	General prohibition on wastethat adversely affect others 8.10.050(C)(10) - "Marijuana cultivation shall not adversely affect the health, safety, or general welfare of persons at the cultivation premises or at any nearby residence or nearby property or areas open to the public [...] by the use or storage of hazardous materials, processes, products or wastes, or by any other way."

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Processing	Limits on location of harvesting, drying, or processing cannabis	Y	Y	No manufacturing with volatile solvent	CITY OF CALISTOGA - "The use of compressed, flammable gas as a solvent in the extraction of tetrahydrocannabinol (THC) or other cannabinoids to cultivate marijuana is prohibited." MONTEREY COUNTY - "In no case shall any hazardous, flammable, or explosive substances be used in conjunction with medical cannabis on the premises." SOLANO COUNTY (Proposed) - "The location of cannabis cultivation, drying, curing, and trimming activities must be in a fenced and secured area not accessible to household visitors or underage individuals." SANTA CLARA COUNTY - "The extraction of chemical compounds from cannabis by way of a solvent-based extraction method utilizing compressed flammable gases or alcohol is prohibited. [...] The drying, processing, and/or storage of medicinal or personal use cannabis shall be limited to a single room within the residence where the cultivation occurs and must be secured in a locked space, in a manner that will prevent unauthorized access by children."	Prohibits use of gas products 8.10.050(C)(8) - "The use of any gas products (CO2, butane, etc.) [...] is prohibited."
Storage	Storage of processed cannabis	Y	Y	Must allow people to keep all cannabis grown by household plants, even if beyond legal limit	YOLO COUNTY - "All buildings where marijuana is stored shall be properly secured to prevent unauthorized entry." SANTA CLARA COUNTY - "All storage of dried and/or processed cannabis must be secured in a locked space, in a manner that will prevent unauthorized access by children. "	None
Protection of Children	Security measures to prevent access by children	Y	Y		SANTA CLARA COUNTY - "Indoor cultivation shall be secured in a locked space, in a manner that will prevent unauthorized access by children. Doors shall be operable from inside the space at all times whether the doors are locked or unlocked."	General requirement to secure cultivation area 8.10.050(C)(6) - "The structure containing the cultivation area shall be secured in a manner that prevents unauthorized entry."
Security	Security measures to prevent unauthorized access	Y	Y		SOLANO COUNTY (Proposed) - "The location of cannabis cultivation, drying, curing, and trimming activities must be in a fenced and secured area not accessible to household visitors or underage individuals." MENDOCINO COUNTY - "The structure must be secure against unauthorized entry, accessible only through one (1) or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" x 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement." SHASTA COUNTY - "The accessory structure shall have locking doors and a working security system which shall consist of a standard audible residential alarm of at least ninety dBA, but not exceeding one hundred ten dBA."	General requirement to secure cultivation area 8.10.050(C)(6) - "The structure containing the cultivation area shall be secured in a manner that prevents unauthorized entry."

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Greenhouse Use	Whether to allow use of greenhouses, and if so, regulations specifically relating to greenhouses	Y			SOLANO COUNTY (Proposed) - "Cultivation inside a hoop house, greenhouse or similar shall be deemed outdoor cultivation." CITY OF PETALUMA - Greenhouse defined as indoor cultivation. SHASTA COUNTY - Limits cultivation to accessory structure or greenhouse; lights prohibited with greenhouse; greenhouse required to be fenced.	Prohibits cultivation in greenhouses 8.10.020 - " Cultivation within a greenhouse or "hoop house" shall not be considered indoor cultivation."
Hoophouse Use	Whether to allow use of hoophouses, and if so, regulations specifically relating to hoophouses	Y			SOLANO COUNTY (Proposed) - "Cultivation inside a hoop house, greenhouse or similar shall be deemed outdoor cultivation." SANTA CLARA COUNTY - Cultivation using "shade structure" deemed outdoor cultivation.	Prohibits cultivation in hoophouses 8.10.020 - " Cultivation within a greenhouse or "hoop house" shall not be considered indoor cultivation."
Compliance with Other Codes	Requirements of compliance with other laws or County codes	Y	Y		SONOMA COUNTY - "All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing." SANTA CLARA COUNTY - "Any modifications, alterations, or improvements made to the residence or property where medicinal cannabis cultivation occurs shall be permitted and performed pursuant to all applicable ordinances, laws, and regulations."	Requires compliance with other codes 8.10.050(C)(7) - "Structures and electrical devices used for marijuana cultivation shall comply with the California Building, Electrical and Fire Codes as adopted by the county."
Outlined enforcement or abatement process	Special process for enforcement or abatement separate from normal process	Y	Y		MENDOCINO COUNTY - Special enforcement process identifying actions to be taken by County Dept of Agriculture. YOLO COUNTY - Specifies noticing process and appeal procedures. SANTA CRUZ COUNTY - Special civil penalties for personal cultivation violations. SANTA CLARA COUNTY - Specifies designated enforcement officers; outlines anticipated process for summary abatement and/or issuing notice.	None

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Other	Other restrictions or limitations	Y	Y		MENDOCINO COUNTY - "Removal of any commercial tree species [as specified in code] for the purpose of developing a cannabis cultivation site is prohibited." "To the fullest extent authorized by State and Federal law, all use information received by and/or generated by the operation of this Chapter or prior iterations of cannabis cultivation ordinances of the County has always been intended to be treated and held by the County as confidential information." Permitted commercial cannabis operations must restore old location when moving. SOLANO COUNTY (Proposed) - "No open flame or burning of any substance may occur in the cultivation room." SONOMA COUNTY - "All cultivation operators shall comply with the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides." YOLO COUNTY - Registration required. SHASTA COUNTY - Notarized approval from landlord required if renting. SANTA CLARA COUNTY - Written permission required from landlord if renting. Exits cannot be blocked.	None